(88)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक (Cr. M.P. NO. 152/2007) सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

SB : HON'BLE SHRI DHIRENDRA MISHRA, J.

CR. M. P.NO. 152 OF 2007

PETITIONERS

1. Dharmend Kumar Kannauje, aged about 30 years, Son of Late Ravichandra Kannauje, Pawan Niwas Juna Bilaspur, Tehsil and District Bilaspur (C.G.)
2. Dinesh Kumar Kannajue, Son of Ravichandra Kannauje, caste Soni, aged about d28 years, resident of Baniyapara, Juna Bilaspur..
3. Ku. Sunita, daughter of Late Ravichandra Kannauje (Soni), aged about 29 years, resident of Baniyapara, Juna Bilaspur.
4. Smt. Shayama Bai Kannauje, wife of Late Ravichandra Kannauje (Soni), aged 56 years, resident of Baniyapara, Juna Bilaspur

Vs.

RESPONDENT

The State of Chhattisgarh, through P.S. Kotwali Korba, Distt. Korba (C.G.)

25.7.2007

Shri Santosh Soni, counsel for the petitioners.

Shri G.K. Beriwal, Dy. A.G. for the State.

The petitioners by the instant petition under Section 482 of Cr.P.C. have prayed for quashment of Criminal Case No. 286/2006 pending in the Court of Judicial Magistrate First Class, Korba under Section 498 A read with Section 34 of I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Cr. M.P.No. 152/2007

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

The grounds urged by the learned counsel for the petitioners are that marriage of the petitioner No. 1 was solemnized with complainant Smt. Ashabai Soni on 19-6-2002, however immediately after marriage when she was examined by the Doctor, the Doctor opined that she was carrying pregnancy. In these circumstances, the husband and other family members took the complainant to her parental home and left her there. Thereafter, the complainant lodged a false report against the petitioners that she was harassed by the petitioners in the name of demand of dowry. It is further contended that from a perusal of the charge sheet, it would be evident that the alleged harassment was perpetrated at Bilaspur and no part of cause of action arose within the jurisdiction of Mahila Police Station, Korba. In these circumstances, application under Section 178 of Cr.P.C. was filed before the trial Court, however the same was rejected by order of Annexure D-1.

I have heard learned counsel for the petitioners. I have perused the order of Annexure D-1 as also the F.I.R. and the charge sheet filed along with the instant petition.

From perusal of the impugned order, it appears that the complainant has made allegations against the petitioners that they harassed her in the name of demand of Motorcycle, Hero Honda, Washing Machine etc. and beat her and ultimately they took her in a Tata Sumo jeep and left her in her parental house. The trial Court considering the aforesaid act of the petitioners and considering the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Cr.M.P. No.152/2007

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

allegations appearing in the charge sheet and F.I.R., has prima facie held that the offence was also committed by the petitioners in the form of leaving her at her parental place after harassing her in the name of demand of dowry. So far as other defence agitated by the petitioners in this application is concerned, the same are matter of evidence which can be raised by the petitioners at appropriate stage and the same cannot be adjudicated in a proceeding under Section 482 of Cr.P.C. There is no ground available for quashment of F.I.R.

The petition being devoid of substance is liable to be dismissed and it is dismissed at admission stage.

Consequently, I.A. No. 1/2007 also stands dismissed.

Sd/-
Dhirendra Mishra
Judge

PK

GRPRJ — FS/246— 2/2007 — 50,000.